

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

QIAN CHEN,)	CASE NO. C08-0426-JCC
)	
Plaintiff,)	
)	
v.)	REPORT AND RECOMMENDATION
)	
UNIVERSITY OF WASHINGTON,)	
)	
Defendant.)	
_____)	

Plaintiff Qian Chen, appearing *pro se*, filed an application to proceed *in forma pauperis* (IFP) and a proposed civil complaint. (Dkt. 1.) He alleges the University of Washington violated his civil rights and the Americans with Disabilities Act based on his age, ethnicity, and disability (legal blindness). He specifically complains that the University did not allow his grades to be posted; gave him a failing grade in order to kick him out of school; forced him to take multiple tests on malfunctioning computers; refused to accept him as a music major; and refused to allow him to return to school.

Plaintiff's claims are identical to those brought in a previous lawsuit. *See Chen v. University of Washington*, C07-0055RSM (Dkt. 35 at 2). In that case, District Court Judge

01 Ricardo S. Martinez ordered dismissal of plaintiff's claims on summary judgment. (*Id.* at 8.)
02 "Res judicata, or claim preclusion, 'bars any lawsuits on any claims that were raised or could have
03 been raised in a prior action.'" *FTC v. Garvey*, 383 F.3d 891, 897 (9th Cir. 2004) (quoted case
04 omitted). In general, res judicata applies if there is (1) identity between the parties; (2) identity
05 of claims; and (3) a final judgment on the merits. *Id.* Here, because there has been a final
06 judgment on the merits, res judicata bars plaintiff from raising the same claims against the same
07 defendant.

08 Given the above, plaintiff's request to proceed IFP should be DENIED and this case
09 DISMISSED. A proposed order of dismissal accompanies this Report and Recommendation.

10 DATED this 18th day of March, 2008.

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12 Mary Alice Theiler
13 United States Magistrate Judge
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